

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EULA CARTER,

No. 07-1088 MMC

Plaintiff,
v.

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY ACTION SHOULD
NOT BE DISMISSED FOR FAILURE TO
SERVE**

LINDA S. MCMAHON,
Defendant

"If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or its own initiative, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified period" Fed. R. Civ. P. 4(m).

Plaintiff filed her complaint on February 22, 2007. By order filed March 1, 2007, the Court denied plaintiff's application to proceed in forma pauperis and directed plaintiff to serve defendant pursuant to Rule 4. To date, plaintiff has not filed proof of service of the summons and complaint upon defendant. Pursuant to Rule 4(m), the Court hereby **ORDERS PLAINTIFF TO SHOW CAUSE**, in writing and no later than September 7, 2007, why the instant action should not be dismissed for failure to serve within the time required by Rule 4(m).

IT IS SO ORDERED.

Dated: August 27, 2007


MAXINE M. CHESNEY
United States District Judge